IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 12TH SEPTEMBER 2007 / 21ST BHADRA 1929

WP(C).No. 27190 of 2007(J)

PETITIONER:

INDIA VISION SATELLITE COMMUNICATIONS
LTD., 32/17897, 6TH FLOOR, TUTTUS TOWER,
N.H.BYE-PASS ROAD, KOCHI-682 024, REPRESENTED
BY ITS RESIDENT DIRECTOR, MR.JAMALUDHEEN FAROOQUE.

BY ADV. SRI.A.M.SHAFFIQUE
SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR
SRI.ANIL D. NAIR

RESPONDENT:

THE ASSISTANT PROVIDENT FUND
COMMISSIONER, EMPLOYEES PROVIDENT FUND
ORGANIZATION, SUB REGIONAL OFFICE,
BHAVISHYANIDHI BHAVAN, KOZHIKODE - 673 006.

BY STANDING COUNSEL SRI.THOMAS MATHEW NELLIMOOTTIL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P (C) NO. 27190 OF 2007 - J

Dated this the 12th day of September, 2007

J U D G M E N T

The petitioner challenges Ext.P1 order of the respondent passed under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. The contention of the petitioner is that the petitioner was not heard before passing Ext.P1 order. According to the petitioner, the petitioner had only a news bureau at Kozhikode and it appears that notice was served on the news bureau whereas the administrative office of the petitioner is at Cochin and it is, under the above circumstances, that the petitioner could not attend the hearing on the scheduled date.

2. The learned Standing Counsel for the Provident Fund Organisation would dispute these averments. He would submit that having accepted notice, the petitioner cannot take such a contention. If the petitioner had only a news bureau at Kozhikode, it

was the duty of the news bureau to pass on the information to the Administrative Office at Cochin, is the contention raised by the counsel for the Provident Fund Organisation.

3. I feel that I need not go into that controversy now. In the interest of justice, I feel that the respondent should afford another opportunity of being heard to the petitioner and decide the matter afresh. For this purpose, I quash Ext.P1 and direct the respondent to reconsider the matter, after affording an opportunity of being heard to the petitioner. The petitioner shall be present in the office of the respondent on **15th October,2007** with all records and documents in support of their case. The respondent shall hear the petitioner either on that date or on a subsequent date fixed by the respondent on that date.

4. The petitioner has also filed a representation seeking transfer of the files relating to them to the Cochin Sub Regional Office. Exts.P2 to P4 are the

representations filed in this regard. The respondent shall consider those representations also and pass appropriate orders in that regard.

The writ petition is disposed of as above.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED: 07-09-2007